



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Derek Scott Johnston)
)
For: Carbon Monoxide and Smoke)
Detection Apparatus)
)
Serial No.: 10/008,671)
)
Filed: December 7, 2001)
)
Examiner: Lieu, Julie Bichngoc)
)
Art Unit: 2632)
)
Docket No. 8365/86035)

#6/ald
W/D as abandonment
5-20-03

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MAY 09 2003

Technology Center 2600

PETITION REQUESTING REINSTATEMENT PURSUANT
TO 37 CFR § 1.8 and 37 CFR § 1.181

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants' undersigned counsel recently became aware of a Notice of Abandonment in connection with the above-identified application which was mailed on April 21, 2003. This is a Petition to reinstate the subject application pursuant to the Certificate of Mailing provisions, 37 CFR § 1.8 and Rule 1.181 pertaining to Petitions to the Commissioner.

An Amendment, transmittal letter and return post card, copies enclosed in Exhibit A, were prepared and timely filed in response to the Office Action of September 19, 2002. The enclosed Amendment and transmittal letter were filed by first class mail, with appropriate postage and an appropriate certificate of mailing pursuant to 35 USC § 1.8 on December 11, 2002, in accordance with the date on the Certificate of Mailing on the transmittal letter and on the Amendment.

As stated above, a post card was included in the package along with the transmittal letter and Amendment. A search of firm records has failed to find the stamped post card from the Patent Office. It is believed, as a result, that the transmittal letter, Amendment and post card became lost in the mail and were never received at the Patent Office as expected.

The transmittal letter and Amendment were signed by attorney John R. Garrett, Registration No. 27,888 who prepared the Amendment at the request of the undersigned and who arranged to file it December 11, 2002, within the initial three month period allotted by the outstanding Office Action. The undersigned attorney was notified by Mr. Garrett as of December 12, 2002 that the Amendment had been filed with the Patent Office by first class mail. Based on that knowledge and information, the undersigned forwarded a copy of the Amendment as filed to the assignee of the above-identified application on December 12, 2002, partially redacted, copy enclosed as Exhibit B.

Pursuant to the provisions of 37 CFR § 1.8 and § 1.181, it is hereby requested that the above-identified application be reinstated and that the attached Amendment responsive to the outstanding Office Action of September 19, 2002 be entered and examination continued in connection with this application. The present Petition should not require any fee. However, should a fee be deemed necessary, it should be charged to our Deposit Order Account No. 23-0920.

Reinstatement of the application is respectfully requested.

Respectfully submitted,

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BY: 

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